

# HOUSE JOURNAL

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SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FIFTIETH DAY — MONDAY, APRIL 14, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 138).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Rodriguez; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Mowery; Wilson.

The invocation was offered by Jerry Thorpe, pastor, Temple Baptist Church, Odessa, as follows:

We thank you, Heavenly Father, that at the commencement of this 75th session of the Texas House of Representatives, we can pause to recognize your presence and express to you our need for your wisdom and provision in our personal lives and on behalf of the people of this great state!

I thank you for these representatives who have chosen to stand in the public eye while working for the well-being of Texas. I am grateful for these who are not simply spectators on the sidelines of life but are actively serving on the playing field. They model the challenge to every citizen to rise above the ordinary and continue the aggressive, independent, and creative spirit that has made Texas so unique and influential among the states of this great union.

I thank you for the certain promise that the God of heaven will acknowledge and answer the prayers of good people! So, this morning, we pray first for the forgiveness of that which would prevent us from being good in your presence and then for the understanding, guidance, and love to conduct the work of the state in the light of your grace and for the good of our fellow man.

This we pray in the name of Jesus Christ, our Lord and Savior!

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of important business:

Wilson on motion of Hightower.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 32).

**CAPITOL PHYSICIAN**

The speaker recognized Representative Hochberg who presented Dr. Alan Blum of Houston as the "Doctor for the Day."

The house welcomed Dr. Blum and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Speaker pro tempore in the chair)

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**HR 612 - ADOPTED  
(by Clark)**

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 612**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 612**, Honoring Judge Charles E. Carter, Jr., for his many contributions to the community.

**HR 612** was adopted without objection.

**HR 615 - ADOPTED  
(by Hirschi)**

Representative Hirschi moved to suspend all necessary rules to take up and consider at this time **HR 615**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 615**, Recognizing April 14-19, 1997, as Texas Energy Independence Week.

**HR 615** was read and was adopted without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read

first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Speaker in the chair)

### INTRODUCTION OF GUESTS

The speaker introduced actor G. W. Bailey, who introduced the cast of "The Jeff Foxworthy Show:" Ann Cusack; comedian Bill Engvall; Haley Joel Osment and his father Eugene; and Jeff Foxworthy.

Mr. Foxworthy addressed the house briefly.

(Speaker pro tempore in the chair)

### HB 3575 - PERMISSION TO INTRODUCE

Representative Brimer requested permission to introduce and have placed on first reading **HB 3575**.

A record vote was requested.

Permission to introduce was granted by (Record 139): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, E.; Rhodes; Rodriguez; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Mowery; Wilson.

Absent — Coleman; Reyna, A.

### STATEMENT OF VOTE

When Record No. 139 was taken, I was in the house but away from my desk. I would have voted yes.

A. Reyna

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**CSSB 99 ON SECOND READING  
(Pitts - House Sponsor)**

**CSSB 99**, A bill to be entitled An Act relating to the wearing of protective headgear by certain motorcycle operators and passengers.

**CSSB 99** was considered in lieu of **CSHB 350**.

**CSSB 99** was read second time.

**Amendment No. 1**

Representative Counts offered the following amendment to **CSSB 99**:

Amend **CSSB 99** as follows:

(1) On page 2, between lines 9 and 10, insert the following subsections:

(c) Motorcycles license fees, including renewal of commercial license or learner's permits, including fees collected under Subsection (d)-(g), shall be deposited in the Motorcycle Education Fund Account and shall be used to operate the Texas Motorcycle Operator Training and Safety Program.

(d) The fee for the renewal of a commercial license or learner's permit that includes the authorization to operate a motorcycle is \$45.

(e) The examination fee for a commercial license that includes the additional authorization to operate a motorcycle is \$15.

(f) The renewal fee for a driver's license that includes an authorization to operate a motorcycle is \$21.

(g) The application fee for a driver's license applicant applying for the additional authorization to operate a motorcycle is \$15.

Amendment No. 1 was adopted without objection.

(Speaker in the chair)

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of illness in the family:

Culberson on motion of Finnell.

**CSSB 99 - (consideration continued)**

**CSSB 99**, as amended, was passed to third reading. (Wilson recorded voting yes)

**CSHB 350 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Pitts moved to lay **CSHB 350** on the table subject to call.

The motion prevailed without objection.

**SB 797 ON SECOND READING  
(Goodman and Naishtat - House Sponsors)**

**SB 797**, A bill to be entitled An Act relating to the recodification of statutes relating to protective orders and family violence.

**SB 797** was considered in lieu of **HB 1441**.

**SB 797** was read second time.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Naishtat, Representative Goodman offered the following committee amendment to **SB 797**:

Amend **SB 797** as follows:

On page 6, line 4, delete Subsection (c).

Amendment No. 1 was adopted without objection.

**SB 797**, as amended, was passed to third reading.

**HB 1441 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Goodman moved to lay **HB 1441** on the table subject to call.

The motion prevailed without objection.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**HB 2699 ON SECOND READING  
(by Gray, et al.)**

**HB 2699**, A bill to be entitled An Act relating to the continuation and functions of the Council on Sex Offender Treatment and to the administration of certain of those functions by the Texas Department of Health.

**Amendment No. 1**

Representative Madden offered the following amendment to **HB 2699**:

Amend **HB 2699** as follows:

On page 4, strike lines 4-6 and substitute the following:

(c) To be eligible to take office as a member of the council, a person appointed to the council must complete at least one course of a training program that complies with this section. If the course has not been completed at the time of the appointment, the training program is to be completed within six months from the date of appointment, failure of which constitutes grounds for removal from the council.

On page 7, strike lines 5-7 and substitute the following:

(b) It is grounds for removal from the council if a member:

(1) does not have at the time of appointment, except for Section 3, subsections (c) and (d), the qualifications required by Section 3 of this Act.

Amendment No. 1 was adopted without objection.

**HB 2699**, as amended, was passed to engrossment. (Shields and Talton recorded voting no)

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

**CONSTITUTIONAL AMENDMENTS CALENDAR  
HOUSE JOINT RESOLUTIONS  
SECOND READING**

The following resolutions were laid before the house and read second time:

**HJR 87 ON SECOND READING  
(by Clark)**

**HJR 87**, A joint resolution proposing a constitutional amendment to allow a person who holds the office of municipal court judge to hold more than one civil office of emolument at the same time.

Representative Clark moved to postpone consideration of **HJR 87** until 10 a.m. Monday, April 21.

The motion prevailed without objection.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**HB 425 ON THIRD READING  
(by Raymond, et al.)**

**HB 425**, A bill to be entitled An Act relating to the policies of state agencies regarding work and family issues.

**HB 425** was passed. (Shields recorded voting no)

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**HB 2828 ON SECOND READING  
(by Place)**

**HB 2828**, A bill to be entitled An Act relating to public access to certain personal information about employees of the Texas Department of Criminal Justice and certain law enforcement personnel.

**HB 2828** was passed to engrossment.

**HB 1305 ON SECOND READING  
(by Brimer)**

**HB 1305**, A bill to be entitled An Act relating to safety consultations.

**HB 1305** was passed to engrossment.

(Wilson now present)

**HB 1745 ON SECOND READING**  
**(by Dutton)**

**HB 1745**, A bill to be entitled An Act relating to an intervenor's liability for attorney's fees and costs in certain civil actions.

**Amendment No. 1**

Representative Dutton offered the following amendment to **HB 1745**:

Amend **HB 1745** on page 2, between lines 1 and 2, by inserting the following:

(c) This section does not apply to a statutory intervention.

Amendment No. 1 was adopted without objection.

**HB 1745**, as amended, was passed to engrossment.

**ADDRESS BY REPRESENTATIVE RODRIGUEZ**

The speaker recognized Representative Kubiak, who presented Representative Rodriguez, congressman-elect from San Antonio, District 28.

Representative Rodriguez addressed the house briefly.

**CSHB 3196 ON SECOND READING**  
**(by Janek and Brimer)**

**CSHB 3196**, A bill to be entitled An Act relating to workers' compensation medical benefits, impairment income benefits, and lifetime income benefits.

**Amendment No. 1**

Representative Janek offered the following amendment to **CSHB 3196**:

Amend **CSHB 3196** as follows:

(1) On page 1, line 8, strike "designated" and substitute "recommended"

Amendment No. 1 was adopted without objection.

**CSHB 3196**, as amended, was passed to engrossment.

**HB 1298 ON SECOND READING**  
**(by Kuempel)**

**HB 1298**, A bill to be entitled An Act relating to the delegation of duties of the Texas Natural Resource Conservation Commission and its executive director.

**HB 1298** was passed to engrossment.

**HB 2056 ON SECOND READING**  
**(by Hill)**

**HB 2056**, A bill to be entitled An Act relating to the recovery of environmental inspection, removal, and remediation costs by a taxing unit that purchases real property at an ad valorem tax sale.

Representative Hill moved to postpone consideration of **HB 2056** until 10 a.m. Monday, April 21.

The motion prevailed without objection.

**HB 1724 ON SECOND READING**  
**(by Delisi)**

**HB 1724**, A bill to be entitled An Act relating to the administration and enforcement of the peer assistance program under the Texas Pharmacy Act.

**HB 1724** was passed to engrossment.

**HB 1917 ON SECOND READING**  
**(by Goodman and Naishtat)**

**HB 1917**, A bill to be entitled An Act relating to the powers and duties of the Texas Juvenile Probation Commission and of juvenile boards.

(Culberson now present)

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative A. Reyna, Representative Goodman offered the following committee amendment to **HB 1917**:

Amend Section 141.042(a)(6) by adding the following language at the end of subsection (6):

on page 3 at line 10 after the period add:

". . ., in collaboration and conjunction with the Texas Education Agency, or its designee."

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

On behalf of Representative Staples, Representative Goodman offered the following committee amendment to **HB 1917**:

Amend **HB 1917** Section 6 by substituting the following language: on page 4 at lines 7 through 22:

SECTION 6. Section 141.082(a), Human Resources Code, is amended to read as follows:

(a) To receive the full amount of state aid funds for which a juvenile board may be eligible [for state aid], a juvenile board must demonstrate to the commission's satisfaction that the amount of local or county funds budgeted for juvenile services is at least equal to [or greater than] the amount spent for those services in the [1980] 1994 county fiscal year. The commission may waive this requirement only if the juvenile board demonstrates to the commission that unusual, catastrophic, or exceptional circumstances existed during the relevant year to affect adversely the level of county funding. If the required amount of local funding is not budgeted and the commission does not grant a waiver, the commission shall reduce the allocation of state aid funds to the juvenile board by the amount equal to the amount that the county funding is below the required funding.

Amendment No. 2 was adopted without objection.

**HB 1917**, as amended, was passed to engrossment.



**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

State Affairs, on adjournment today, instead of 1:00 p.m.

**RECESS**

Representative Telford moved that the house recess until 1:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:09 p.m., recessed until 1:30 p.m. today.

**AFTERNOON SESSION**

The house met at 1:30 p.m. and was called to order by the speaker.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 8).

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

**GENERAL STATE CALENDAR**

(consideration continued)

**HB 1255 ON SECOND READING**

(by Oakley)

**HB 1255**, A bill to be entitled An Act relating to a driver education course conducted by a parent or guardian of the student driver.

**Amendment No. 1**

Representative Madden offered the following amendment to **HB 1255**:

Amend **HB 1255** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 521.204, Transportation Code, is amended to read as follows:

Sec. 521.204. RESTRICTIONS ON MINOR. The department may issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

- (1) is 16 years of age or older;
- (2) has submitted to the department a driver education certificate issued under Section 9A, Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), that states that the person has completed and passed a driver education [training] course approved by the department under Section 521.205 or by the Texas [Central] Education Agency;
- (3) has obtained a high school diploma or its equivalent or is a student:

(A) enrolled in a public school, home school, or private school who attended school for at least 80 days in the fall or spring semester preceding the date of the driver's license application; or

(B) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam; and

(4) has passed the examination required by Section 521.161.

SECTION 2. Subchapter J, Chapter 521, Transportation Code, is amended by adding Section 521.205 to read as follows:

Sec. 521.205. DEPARTMENT-APPROVED COURSES. (a) The department by rule shall provide for approval of a driver education course conducted by the parent or legal guardian of a person who is required to complete a driver education course to obtain a Class C license. The rules must provide that:

(1) the parent or guardian be a licensed driver;

(2) the student driver spend a minimum number of hours in:

(A) classroom instruction; and

(B) behind-the-wheel instruction;

(3) the parent or guardian not be convicted of:

(A) criminally negligent homicide; or

(B) driving while intoxicated; and

(4) the parent or guardian not be disabled because of mental illness.

(b) The department may not approve a course unless it determines that the course materials are at least equal to those required in a course approved by the Texas Education Agency, except that the department may not require that:

(1) the classroom instruction be provided in a room with particular characteristics or equipment; or

(2) the vehicle used for the behind-the-wheel instruction have equipment other than the equipment otherwise required by law for operation of the vehicle on a highway while the vehicle is not being used for driver training.

(c) The rules must provide a method by which:

(1) approval of a course is obtained; and

(2) an applicant submits proof of completion of the course.

(d) Completion of a driver education course approved under this section has the same effect under this chapter as completion of a driver education course approved by the Texas Education Agency.

(e) Completion of a driver education course approved under this section does not affect the requirement that the applicant pass the examination required by Section 521.161. The department shall administer the examination to the applicant.

SECTION 3. Section 521.222(a), Transportation Code, is amended to read as follows:

(a) The department or a driver education school licensed under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes) may issue an instruction permit, including a Class A or Class B driver's license instruction permit, to a person who:

(1) is 15 years of age or older but under 18 years of age;

(2) has satisfactorily completed and passed the classroom phase of an approved driver education course, which may be a course approved under Section 521.205;

(3) meets the requirements imposed under Section 521.204(3) [~~521.204~~]; and

(4) has passed each examination required under Section 521.161 other than the driving test.

SECTION 4. Section 521.223(b), Transportation Code, is amended to read as follows:

(b) An applicant for a license under Subsection (a) must be 15 years of age or older and must:

(1) have passed a driver education ~~[training]~~ course approved by the department, which may be a course approved under Section 521.205; and

(2) pass the examination required by Section 521.161.

SECTION 5. (a) In addition to the substantive changes in law made by this Act, this Act conforms the Transportation Code to changes in law made by Chapters 1009 and 260, Acts of the 74th Legislature, Regular Session, 1995.

(b) To the extent of any conflict, this Act prevails over another Act of the 75th Legislature, Regular Session, 1997, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6. The change in law made by this Act applies only to a license issued on or after the effective date of this Act. A license issued before the effective date of this Act is governed by the law in effect when the license was issued, and the former law is continued in effect for that purpose.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Representative Oakley moved to table Amendment No. 1.

A record vote was requested.

The motion to table was lost by (Record 140): 45 Yeas, 94 Nays, 1 Present, not voting.

Yeas — Alexander; Bailey; Berlanga; Burnam; Chisum; Coleman; Cook; Counts; Danburg; Davila; Davis; Dutton; Edwards; Ehrhardt; Farrar; Gallego; Garcia; Glaze; Gray; Gutierrez; Hernandez; Hightower; Keel; King; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Pickett; Price; Rangel; Raymond; Reyna, A.; Sadler; Solis; Telford; Thompson; Torres; Turner, B.; Van de Putte; Wilson; Wise; Zbrank.

Nays — Allen; Alvarado; Averitt; Bonnen; Bosse; Brimer; Carter; Chavez; Christian; Clark; Corte; Crabb; Craddick; Cuellar; Culberson; Delisi; Denny; Driver; Dukes; Dunnam; Eiland; Elkins; Finnell; Flores; Galloway; Giddings; Goodman; Goolsby; Greenberg; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hirschi; Holzhauser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Junell; Kamel; Keffer; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; Merritt; Moffat; Nixon; Olivo; Palmer; Pitts; Place; Puente; Rabuck; Ramsay; Reyna, E.; Rhodes; Roman; Seaman; Shields; Siebert; Smith; Smith; Smith;

Solomons; Staples; Stiles; Talton; Tillery; Turner, S.; Uher; Walker; West; Williams; Williamson; Wohlgemuth; Wolens; Woolley; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mowery.

Absent — Grusendorf; Hinojosa; Hochberg; Hodge; Jones, J.; Patterson; Rodriguez; Serna; Swinford.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 140. I intended to vote no.

Counts

#### Amendment No. 2

Representative Howard offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 (by Madden) to **HB 1255** on page 1, line 17 by striking the following:

"school, home school,"

Amendment No. 2 was adopted without objection.

#### Amendment No. 3

Representative Horn offered the following amendment to Amendment No. 1:

Amend the Madden floor amendment to **HB 1255** as follows:

(1) On page 2, lines 5 and 6, strike "a driver education course" and substitute "driver education courses"

(2) In Section 2, after the proposed language for Section 521.205(e), Transportation Code (page 3), add subsection (f) as follows:

(f) The department shall approve all courses that meet or exceed the minimum requirements contained in Section 521.205(b), Transportation Code, within four weeks of submission of the course to the department. The department shall provide to a parent or guardian a list of all approved courses. The list must contain the course provider's name or name of business, address, telephone number, and cost of the course.

Amendment No. 3 was adopted without objection.

#### Amendment No. 4

Representative Uher offered the following amendment to Amendment No. 1:

Amend the proposed Madden amendment to **HB 1255** by adding the following appropriately numbered section and renumbering the existing sections appropriately:

SECTION \_\_\_\_\_. Subchapter J, Chapter 521, Transportation Code, is amended by adding Section 521.2051 to read as follows:

Sec. 521.2051. COURSE TAUGHT BY PARENT OR GUARDIAN. Notwithstanding any other provision of law, the Texas Education Agency by rule shall provide for approval of a driver education course conducted in the home in which a student is taught by the student's parent or

guardian in a bona fide manner from a curriculum designed to meet the basic education goals of reading, spelling, grammar, mathematics, and good citizenship. The rules must provide that the student is not contemporaneously enrolled in a public or private school outside the home and has not been enrolled in a public or private school outside the home for at least 90 percent of the fall or spring semester preceding the taking of the course. A course approved under this section has the same effect for the purposes of this chapter as an approved course provided by a public school or licensed driver education school.

Representative Madden moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 141): 83 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allen; Averitt; Berlanga; Bonnen; Bosse; Brimer; Carter; Christian; Clark; Corte; Counts; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Dukes; Elkins; Finnell; Flores; Galloway; Garcia; Giddings; Goodman; Goolsby; Greenberg; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keffer; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Marchant; Maxey; McCall; Merritt; Nixon; Palmer; Patterson; Pitts; Place; Rabuck; Ramsay; Reyna, E.; Rhodes; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Talton; Tillery; Turner, S.; Walker; West; Williams; Williamson; Wohlgemuth; Wolens; Woolley.

Nays — Alexander; Bailey; Burnam; Chavez; Chisum; Coleman; Cook; Cuellar; Danburg; Davila; Davis; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Glaze; Gray; Gutierrez; Hawley; Hightower; Jones, J.; Junell; Keel; King; Luna; McClendon; McReynolds; Moffat; Moreno; Naishtat; Oakley; Oliveira; Olivo; Pickett; Price; Puente; Rangel; Raymond; Reyna, A.; Roman; Sadler; Serna; Solis; Stiles; Swinford; Telford; Thompson; Torres; Turner, B.; Uher; Van de Putte; Wilson; Wise; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mowery.

Absent — Alvarado; Gallego; Grusendorf; Hernandez; Hinojosa; Hodge; Madden; Rodriguez.

### STATEMENT OF VOTE

When Record No. 141 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

### Amendment No. 5

Representative Place offered the following amendment to Amendment No. 1:

Amend the Madden amendment to **HB 1255** as follows:

(1) add the following appropriately numbered section and renumber sections appropriately:

SECTION \_\_\_\_\_. Subchapter J, Chapter 521, Transportation Code, is amended by adding Section 521.2051 to read as follows:

Sec. 521.2051. DRIVING TEST FOR CERTAIN APPLICANTS. An applicant for an original driver's license who has satisfied any applicable driver education course requirement with a course conducted by the applicant's parent or legal guardian must successfully complete an in-the-car driving test administered by the department before the applicant may be issued an original driver's license.

(Speaker pro tempore in the chair)

Amendment No. 5 was adopted without objection.

### **Amendment No. 6**

Representative Oakley offered the following amendment to Amendment No. 1:

Amend the Madden amendment to **HB 1255** by adding the following appropriately numbered section and renumbering sections appropriately:

SECTION \_\_\_\_\_. Subchapter J, Chapter 521, Transportation Code, is amended by adding Section 521.2052 to read as follows:

Sec. 521.2052. EXAMINATION OF PARENT OR LEGAL GUARDIAN. A parent or legal guardian who conducts a drivers education course under Section 521.205 must have completed a written examination, approved by the department, within the preceding six years. The department shall collect a fee for the examination in an amount not to exceed the cost of administering the examination.

Amendment No. 6 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

**HB 1255**, as amended, failed to pass to engrossment. (Junell and Zbraneck recorded voting no)

### **HB 381 ON SECOND READING (by Swinford and Kubiak)**

**HB 381**, A bill to be entitled An Act relating to a warranty claim by a farm, industrial, or outdoor power equipment dealer.

### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Dukes, Representative Swinford offered the following committee amendment to **HB 381**:

Amend **HB 381** Section 1(d) is amended to read:

(d) A supplier that pays a claim, including suppliers of electric engines or motors, may not pay less than the agreed amount hourly labor rate the dealer regularly charges for the labor and the costs the dealer pays for parts, and other expenses involved in the work to a retail customer who does not assert a warranty.

**Amendment No. 2**

On behalf of Representative Dukes, Representative Swinford offered the following amendment to Amendment No. 1:

Amend Committee Amendment No. 1 to **HB 381** on line 6 of the amendment (as printed on page 3 of the House Committee Report Printing), by striking "costs" and substituting "list price".

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

**Amendment No. 3**

Representative Yarbrough offered the following amendment to **HB 381**:

Amend **HB 381** on page 1, line 13, by striking "30th" and substituting "45th".

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Patterson offered the following amendment to **HB 381**:

Amend **HB 381** (Committee Printing, page 2) by adding subsection (f) to read as follows:

(f) A dealer or supplier authorized to sell new farm, industrial or outdoor power equipment shall give the purchaser a written warranty agreement including replacement or cash refund. If the dealer determines the equipment can't be made usable, the manufacturer is liable to the purchaser for the replacement or cash refund.

Amendment No. 4 was adopted without objection.

**HB 381**, as amended, was passed to engrossment.

**CSHB 858 ON SECOND READING**  
**(by Goolsby, et al.)**

**CSHB 858**, A bill to be entitled An Act relating to providing for open enrollment for a portion of those persons admitted as undergraduates at certain public institutions of higher education.

**Amendment No. 1**

Representative Goolsby offered the following amendment to **CSHB 858**:

Amend **CSHB 858** by inserting the words ",except upper level insitutions," on page 1, line 12 after the word "institution".

Amendment No. 1 was adopted without objection.

A record vote was requested.

**CSHB 858**, as amended, was passed to engrossment by (Record 142): 83 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Coleman; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam;

Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Jones, D.; Jones, J.; Junell; Kamel; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Price; Puente; Rabuck; Rangel; Raymond; Reyna, A.; Reyna, E.; Rodriguez; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culbertson; Delisi; Denny; Driver; Elkins; Finnell; Goodman; Grusendorf; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Keel; Keffer; Krusee; Kubiak; Kuempel; Madden; Marchant; Merritt; Moffat; Nixon; Palmer; Pitts; Place; Ramsay; Rhodes; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Mowery.

Absent — Bonnen; Torres.

#### STATEMENTS OF VOTE

When Record No. 142 was taken, I was temporarily out of the house chamber. I would have voted no.

Bonnen

When Record No. 142 was taken, my vote failed to register. I would have voted yes.

Torres

(Speaker in the chair)

#### HB 195 ON SECOND READING (by B. Turner, et al.)

**HB 195**, A bill to be entitled An Act relating to the punishment of theft committed against elderly individuals.

**HB 195** was passed to engrossment.

#### CSHB 120 ON SECOND READING (by Hirschi, et al.)

**CSHB 120**, A bill to be entitled An Act relating to a physician's treatment of acute or chronic pain.

#### Amendment No. 1

Representative Berlanga offered the following amendment to **CSHB 120**:

Amend **CSHB 120**, on page 4, between lines 7 and 8, by inserting the following appropriately numbered new section to read as follows and renumbering the existing sections accordingly:



SECTION \_\_\_\_\_. Article 4495c, Revised Statutes, is amended by adding Section 8 to read as follows:

Sec. 8. ILLEGAL SUBSTANCES. This Act is not intended nor shall it be interpreted to allow for the prescription of any illegal substance to any patient or person at any time in violation of federal law.

Amendment No. 1 was adopted without objection.

A record vote was requested.

**CSHB 120**, as amended, was passed to engrossment by (Record 143): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Rodriguez; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mowery.

Absent — Bonnen; Marchant.

### STATEMENT OF VOTE

When Record No. 143 was taken, I was temporarily out of the house chamber. I would have voted yes.

Bonnen

### **HB 1799 ON SECOND READING** (by Wise, et al.)

**HB 1799**, A bill to be entitled An Act relating to procedural requirements applicable to the release on parole of certain sex offenders.

#### **Amendment No. 1**

Representative Culberson offered the following amendment to **HB 1799**:

Amend **HB 1799** by adding appropriately numbered SECTIONS to read as follows and by renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. Article 42.18, Code of Criminal Procedure, is amended by adding Section 8C to read as follows:

Sec. 8C. RESIDENTIAL DISCLOSURE REQUIRED DURING PAROLE OR RELEASE TO MANDATORY SUPERVISION. (a) This section applies only to persons convicted of a felony offense under Title 5 or Title 7, Penal Code.

(b) In addition to other conditions imposed by a parole panel under this article, the panel shall require as a condition of parole or mandatory supervision that a person subject to this section disclose the nature of the crime for which the person was convicted and the person's name and address to any landlord of the property at which the person resides or the landlord's agent.

(c) The person shall disclose the required information to the landlord or the landlord's agent when the person leases the property.

(d) Not earlier than the 90th day or later than the 30th day before the date the person is due to be released from a penal institution, an official of the penal institution shall:

(1) inform the person of the person's duty to make the disclosures required by this section; and

(2) require the person to sign a written statement that the person was so informed or, if the person refuses to sign the statement, certify that the person was so informed.

(e) The duty to provide the disclosures required by this section ends on the day that the person discharges parole or mandatory supervision.

SECTION \_\_\_\_\_. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.0061 to read as follows:

Sec. 92.0061. LANDLORD'S LIABILITY FOR THIRD-PARTY ACTS. If a person fails to provide the disclosures required by Section 8C, Article 42.18, Code of Criminal Procedure, the landlord or the landlord's agent may not be held liable for damages proximately caused by the person's failure to disclose the required information.

Amendment No. 1 was adopted without objection.

**HB 1799**, as amended, was passed to engrossment.

**CSHB 1999 ON SECOND READING**  
**(by Merritt)**

**CSHB 1999**, A bill to be entitled An Act relating to the disposition by the Railroad Commission of Texas of well-site equipment from a wellbore transferred to the Texas Experimental Research and Recovery Activity.

**CSHB 1999** was passed to engrossment.

**HB 2280 ON SECOND READING**  
**(by Clark)**

**HB 2280**, A bill to be entitled An Act relating to holding at the same time more than one office of municipal judge filled by appointment.

Representative Clark moved to postpone consideration of **HB 2280** until 10 a.m. Monday, April 21.

The motion prevailed without objection.

## RESOLUTIONS CALENDAR

The speaker laid before the house the following resolutions on committee report:

**HCR 58** (by Coleman), Encouraging the State Preservation Board to provide for the permanent placement of a monument on the Capitol grounds honoring Girl Scouts in Texas.

### Amendment No. 1

Representative Coleman offered the following amendment to **HCR 58**:

Amend **HCR 58** to read as follows:

#### HOUSE CONCURRENT RESOLUTION

WHEREAS, The Capitol grounds contain many statues, monuments, and exhibits that pay tribute to the people, ideals, and events that Texans hold dear, and these displays are stirring reminders of the rich and colorful history of the Lone Star State; and

WHEREAS, Among the organizations that have most definitively shaped the character and destiny of Texas is the Girl Scouts of the U.S.A.; Girl Scouting has provided millions of young women with opportunities for growth in character, patriotism, confidence, and knowledge, and the skills and values acquired by Girl Scouts are a sound foundation for success throughout life, as evidenced by the number of prominent Texans who have been Girl Scouts; and

WHEREAS, It is right and fitting that we recognize the Girl Scouts and their many positive contributions to the state, and a privately funded statue or monument honoring the Girl Scouts would be an appropriate and lasting tribute to this valuable and influential organization; and

WHEREAS, Chapter 443, Government Code, authorizes the State Preservation Board to preserve, maintain, and restore the Capitol grounds, which include the Capitol, the General Land Office Building, their contents, and their grounds, and encompass monuments and exhibits on the grounds, and the erection of a monument honoring Girl Scouts falls within the board's purview; now, therefore, be it

RESOLVED, That the 75th Legislature of the State of Texas hereby encourage the State Preservation Board to provide for the permanent placement of a monument on the Capitol grounds honoring Girl Scouts in Texas; and, be it further

RESOLVED, That on approval of the State Preservation Board, placement be contingent on the raising of private funds by the staff and volunteers of the Girl Scouts of America for the monument's commission, installation, and maintenance so that no expense is incurred by the State of Texas; and, be it further

RESOLVED, That the State Preservation Board have responsibility to approve the design and location of the monument and to oversee its installation, and that the General Services Commission assist the board in the planning and completion of the monument; and, be it further

RESOLVED, That the State Preservation Board may not approve the installation of a permanent monument on the grounds under the jurisdiction of the board, and erection or construction of an approved monument may not

begin, unless the board or the board's designee finds that the installation of the monument will be complete not later than the fourth anniversary of the date on which approval is granted; installation by that anniversary date is a condition of the board's approval, and if installation is not complete by that date, the board's approval of the monument is considered withdrawn and the monument may not be installed; and, be it further

RESOLVED, That the secretary of state forward an official copy of this resolution to the executive directors of the State Preservation Board and the General Services Commission.

Amendment No. 1 was adopted without objection.

**HCR 58**, as amended, was adopted without objection.

**CSHCR 148** (by Wise, Thompson, Stiles, Hunter, Bailey, et al.), Designating the Texas Sweet Onion as the official State Vegetable of Texas.

**CSHCR 148** was adopted without objection.

**CSHCR 149** (by Wise, Thompson, Stiles, Hunter, Bailey, et al.), Designating the city of Weslaco as the Red Grapefruit Capital of Texas.

#### **Amendment No. 1**

Representative Wise offered the following amendment to **CSHCR 149**:

Amend **CSHCR 149** to read as follows:

#### **HOUSE CONCURRENT RESOLUTION**

WHEREAS, Throughout its history, the city of Weslaco has been justly renowned for its friendly people, thriving economy, and acclaimed scientific community; and

WHEREAS, Nestled in the heart of one of the nation's great citrus-producing regions, Weslaco is also home to the Texas A&M University—Kingsville Citrus Center (formerly Texas A&I University Citrus Center) and Texas A&M University Agricultural Research and Extension Center, where the Official State Fruit of Texas, the Red Grapefruit, was nurtured and perfected; and

WHEREAS, Citrus fruits such as grapefruits and oranges are a boon to the state economy, generating more revenue than any other tree fruit produced within our borders; and

WHEREAS, Nutritious as well as tasty, citrus fruits contain no fat or sodium, boost iron absorption, and are low in calories and rich in Vitamin C; and

WHEREAS, Weslaco's scientific community continues to enhance the richness and flavor of these valued agricultural commodities, and citrus fruits will undoubtedly make further contributions to the Lone Star State's economy and culture; now, therefore, be it

RESOLVED, That the 75th Legislature of the State of Texas hereby designate the City of Weslaco as the Citrus Capital of Texas.

Amendment No. 1 was adopted without objection.

**CSHCR 149**, as amended, was adopted without objection.

**HR 617 - ADOPTED**  
**(by Garcia)**

Representative Garcia moved to suspend all necessary rules to take up and consider at this time **HR 617**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 617**, Commending Travel Host, Inc., for marking its 30th Anniversary of operation, and honoring Jim Burger on his 57th birthday.

**HR 617** was adopted without objection.

**RULES SUSPENDED**

Representative Telford moved to suspend the 5-day posting rule to allow the Committee on Pensions and Investments to consider **HB 2965** and **SB 538**.

The motion prevailed without objection.

Representative Marchant moved to suspend the 5-day posting rule to allow the Committee on Financial Institutions to consider **HB 3569**.

The motion prevailed without objection.

Representative Smithee moved to suspend the 5-day posting rule to allow the Committee on Insurance to consider **HB 1937**, **HB 2140**, and **HB 2887**.

The motion prevailed without objection.

Representative Oakley moved to suspend the 5-day posting rule to allow the Committee on Public Safety to consider **HB 2899**.

The motion prevailed without objection.

Representative Hirschi moved to suspend the 5-day posting rule to allow the Committee on Public Health to consider **HB 2481**.

The motion prevailed without objection.

Representative Wilson moved to suspend the 5-day posting rule to allow the Committee on Licensing and Administrative Procedures to consider **HB 1825** and **HB 3370**.

The motion prevailed without objection.

**PROVIDING FOR A CONGRATULATORY  
AND MEMORIAL CALENDAR**

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Friday, April 18.

The motion prevailed without objection.

**PROVIDING FOR A LOCAL, CONSENT,  
AND RESOLUTIONS CALENDAR**

Representative Edwards moved to set a local, consent, and resolutions calendar for 10 a.m. Friday, April 18.

The motion prevailed without objection.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Affairs, Subcommittee on **CSHB 66**, on adjournment today, E2.010, Capitol Extension, to consider **CSHB 66**.

Select Committee on Revenue and Public Education Funding, 5 p.m. today, E2.036, Capitol Extension.

Public Safety, 30 minutes after adjournment today.

Licensing and Administrative Procedures, today, E2.016, Capitol Extension, to consider posted bills.

Corrections, on adjournment today, Desk 45, to consider **HB 1112**.

Criminal Jurisprudence, on adjournment today, Desk 46, to consider pending bills.

Elections, 2 p.m. Tuesday, April 15, to consider **HB 3455**.

Business and Industry, on adjournment today, Desk 3, to consider committee minutes for location change.

Land and Resource Management, on adjournment today, E2.028, Capitol Extension, to consider all posted bills.

### ADJOURNMENT

Representative Hochberg moved that the house adjourn until 10 a.m. tomorrow in memory of Lawrence Sumner, stepfather of capitol police officer Brent Barry.

The motion prevailed without objection.

The house accordingly, at 4:04 p.m., adjourned until 10 a.m. tomorrow.

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### ADDENDUM

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### REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### List No. 1

**HB 3567** (by Raymond), Relating to the addition of territory to, the board of directors of, and disannexation procedures for the Duval County Conservation and Reclamation District.

To Natural Resources.

**HB 3568** (by Davis), Relating to the dissolution of certain school districts. To Public Education.

**HB 3569** (by Madden and Naishtat), Relating to bank accounts in the name of candidates for public office.

To Financial Institutions.

**HB 3570** (by D. Jones, Swinford, and Chisum), Relating to the length limitation for a vehicle or vehicle combination transporting a combine.

To Transportation.

**HB 3571** (by Zbranek), Relating to the creation, administration, powers, duties, operation, financing, and dissolution of the Chambers County Improvement District No. 2 and the power of certain entities to contract with the district; granting authority to issue bonds.

To Natural Resources.

**HB 3572** (by Cook), Relating to the powers of and the application of the professional prosecutors act to the county attorney for Colorado County.

To Judicial Affairs.

**HB 3573** (by Cook), Relating to the creation of the Houston Near Northwest Management District.

To State Affairs.

**SB 73** to Judicial Affairs.

**SB 143** to Criminal Jurisprudence.

**SB 352** to State, Federal & International Relations.

**SB 432** to Licensing & Administrative Procedures.

**SB 459** to Economic Development.

**SB 510** to Elections.

**SB 512** to Elections.

**SB 660** to County Affairs.

**SB 747** to Economic Development.

**SB 752** to Public Health.

**SB 759** to Ways & Means.

**SB 804** to Urban Affairs.

**SB 816** to Higher Education.

**SB 820** to State Affairs.

**SB 855** to Transportation.

**SB 862** to Ways & Means.

**SB 887** to Civil Practices.

**SB 926** to Higher Education.

**SB 939** to Public Health.

**SB 972** to Public Health.

**SB 974** to Urban Affairs.

**SB 996** to State Affairs.

**SB 1012** to Judicial Affairs.

**SB 1016** to Transportation.

**SB 1044** to Higher Education.

**SB 1051** to Environmental Regulation.

**SB 1106** to Insurance.

**SB 1112** to Human Services.

**SB 1125** to Land & Resource Management.

**SB 1219** to Higher Education.

**SB 1269** to Ways & Means.

**SB 1310** to State, Federal & International Relations.

**SB 1419** to Higher Education.

**SB 1498** to Insurance.

**SB 1518** to Economic Development.

**SB 1590** to Agriculture & Livestock.

**SB 1829** to Natural Resources.

**SB 1830** to Natural Resources.

**SCR 67** to Rules & Resolutions.

#### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

#### **House List No. 32**

**HCR 25, HCR 99, HCR 101**

#### **Senate List No. 8**

**SB 616, SB 757, SCR 40, SCR 54**

#### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

#### **Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, April 14, 1997



The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 214** Nixon, Drew

Relating to a voluntary, consensual encumbrance on a business homestead for the purpose of an equity loan.

**SB 365** Armbrister

Relating to the continuation and functions of the Department of Information Resources.

**SB 416** Harris

Relating to the enforcement and collection of child support payments.

**SB 718** Duncan

Relating to the control of harmful excess surface water in the extraterritorial jurisdiction of certain home-rule municipalities.

**SB 727** Gallegos

Relating to contracts between municipal utility districts located in extraterritorial areas and municipalities.

**SB 784** Barrientos

Relating to the Texas Incentive and Productivity Commission.

**SB 897** Shapleigh

Relating to facilitating the organization and availability of government information.

**SB 925** Ogden

Relating to the imposition, collection, and administration of LPG delivery fees.

**SB 937** Harris

Relating to the creation of the Texas Advisory Commission on Intergovernmental Relations.

**SB 965** Armbrister

Relating to the powers and duties of the Public Utility Commission of Texas.

**SB 1014** Patterson, Jerry

Relating to the representation of a property owner by an agent in a property tax matter.

**SB 1015** Patterson, Jerry

Relating to the correction of an ad valorem tax appraisal roll.

**SB 1059** Moncrief

Relating to access by blind and visually impaired individuals to information technology.

**SB 1131** Ellis

Relating to the regulation of cosmetologists; providing an administrative penalty.

**SB 1480** Bivins

Relating to the diagnosis of reading development and comprehension at certain grade levels in public school.

**SB 1499** Sibley

Relating to the regulation and policy forms of certain lines of insurance.

**SB 1656** Truan

Relating to the authority to dissolve the Sebastian Municipal Utility District or transfer certain of its assets and obligations.

**SB 1702** Ogden

Relating to the records of the executive office of the governor.

**SB 1713** Bivins

Relating to the Texas Experimental Research and Recovery Activity (TERRA) of the Railroad Commission of Texas.

**SB 1865** Armbrister

Relating to the operation, administration, and financing of utility districts.

**SJR 14** Nixon, Drew

Proposing a constitutional amendment authorizing a voluntary, consensual encumbrance on a business homestead for the purpose of an equity loan.

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, April 14, 1997 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SCR 68** Whitmire

Requesting the governor to return **SB 388** to the house of representatives for further consideration.

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 3****MESSAGE FROM THE SENATE  
SENATE CHAMBER**

Austin, Texas

Monday, April 14, 1997 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 196**            Price                      SPONSOR: Galloway  
Honoring Dr. Mary Gagne for her achievements as an educator.

**THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS  
TO THE FOLLOWING MEASURES AND REQUESTS THE  
APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE  
DIFFERENCES BETWEEN THE TWO HOUSES:**

**SB 203**

Senate Conferees: Shapiro - Chair/Zaffirini/Wentworth/Sibley/Ratliff/

Respectfully,

Betty King  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

April 9

Business & Industry - **HB 976**Licensing & Administrative Procedures - **HB 1621**

April 10

Juvenile Justice & Family Issues - **HB 2531, HB 3345, HB 3346**Licensing & Administrative Procedures - **HB 1445**

April 11

Agriculture & Livestock - **HB 2011, HB 3484**Appropriations - **HB 538, HB 3513, SB 886, SB 1706**

Business & Industry - **HB 1650, HB 2506, HB 2570, HB 2632, HB 2633, HB 2683, HB 2759**

Civil Practices - **HB 1507, HB 2261, HB 2360, HB 2650, SCR 29**

Corrections - **SB 188**

County Affairs - **HB 1585, HB 2454, HB 2871, SB 800, SB 834**

Economic Development - **HB 1639, HB 2162**

Energy Resources - **HB 1243**

Financial Institutions - **HB 2436, HB 2902, HB 3076, HB 3078**

House Administration - **HB 3517, HCR 144, HR 490**

Human Services - **HB 942, HB 1330, HB 1439, HB 2508, HB 2510, HB 2685, HCR 136**

Insurance - **HB 423, HB 1287, HB 2180**

Judicial Affairs - **SB 400**

Juvenile Justice & Family Issues - **HB 1230, HB 1891, HB 2215, HB 2227, HB 2526, SB 797**

Land & Resource Management - **HB 2030**

Public Health - **HB 1039, HB 1377, HB 1637, HB 2080, HB 3106**

State Affairs - **HB 1428, HB 1846, HB 1847, HB 2841, HB 2906, HB 3206, HB 3207**

State, Federal & International Relations - **HCR 55, HCR 80, HCR 137**

Transportation - **HB 297, HB 1487, HB 2337, SB 553**

Urban Affairs - **HB 1012, HB 1117, HB 1138, HB 2231, HB 2445, HB 2446, HB 3263, HB 3324**

Ways & Means - **HB 826, HB 1773, HB 2293, HB 2383, HB 3520, SB 95, SB 492, SB 582, SB 590**

April 13

Criminal Jurisprudence - **HB 921, HB 1619, HB 2629, HB 2635, HB 2829**

Economic Development - **HB 2500**

Environmental Regulation - **HB 1529**

Insurance - **HB 1662**

Land & Resource Management - **SB 69**

Licensing & Administrative Procedures - **HB 1321**

Public Safety - **HB 142, HB 329, HB 580, HB 1058, HB 1176, HB 1200, HB 1324, HB 1546, HB 1736, HB 3256**

**ENGROSSED**

April 11 - **HB 278, HB 446, HB 460, HB 492, HB 708, HB 710, HB 784, HB 787, HB 808, HB 885, HB 991, HB 1049, HB 1208, HB 1239, HB 1299,**

**HB 1474, HB 1475, HB 1484, HB 1545, HB 1688, HB 1703, HB 1710, HB 1719, HB 1899, HB 1908, HB 2066, HB 2075, HB 2083, HB 2115, HB 2123, HB 2126, HB 2201, HB 2214, HB 2274, HB 2373, HB 2394, HB 2918, HB 3137, HB 3202, HB 3266, HB 3504**

**April 13 - HB 63, HB 160, HB 192, HB 197, HB 255, HB 320, HB 324, HB 376, HB 404, HB 606, HB 663, HB 699, HB 707, HB 722, HB 870, HB 956, HB 1085, HB 1107, HB 1133, HB 1233, HB 1242, HB 1257, HB 1277, HB 1279, HB 1280, HB 1316, HB 1362, HB 1423, HB 1460, HB 1511, HB 1526, HB 1531, HB 1577, HB 1741, HB 1878, HB 2259, HB 2277, HB 2311, HB 2602, HB 2851, HB 3134, HB 3315, HB 3456, HB 3457, HCR 79**

**ENROLLED**

**April 11 - HCR 123**

**April 13 - HCR 25, HCR 99, HCR 101**

**SENT TO THE GOVERNOR**

**April 11 - HCR 123**

**SIGNED BY THE GOVERNOR**

**April 11 - HCR 4, HCR 6, HCR 7, HCR 22, HCR 70, HCR 71, HCR 72, HCR 78, HCR 98, HCR 134, HCR 152, HCR 174**

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